

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Derrell Parker,

Plaintiff,

vs.

Wachovia Bank;
Dale Wells,

Defendants.

) C/A No. 3:11-1513-CMC-PJG

**REPORT AND
RECOMMENDATION**

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge.

When this case was received on June 20, 2011, by the Office of the Clerk of Court, it was not "in proper form" because Plaintiff did not submit service documents (Forms USM-285 and summonses), Answers to Rule 26.01 Interrogatories, and the filing fee of three hundred fifty dollars (\$350) or a Motion for Leave to Proceed *in forma pauperis*. Hence, in an order (ECF No. 4) filed in this case on June 22, 2011, the undersigned directed Plaintiff, within twenty-one (21) days, to submit Forms USM-285, a summons, Answers to Rule 26.01 Interrogatories, and a Motion for Leave to Proceed *in forma pauperis* or the filing fee of three hundred fifty dollars (\$350). Copies of the order of June 22, 2011, and the "proper form" documents were mailed to Plaintiff at his address listed in the "party information" section of the Complaint (ECF No. 5). Plaintiff has failed to respond to the order of June 22, 2011.

RECOMMENDATION

Accordingly, the court recommends that the Complaint in the above-captioned case be dismissed without prejudice and without service of process because Plaintiff has not responded to the order of June 22, 2011. See In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants, Misc. No. 3:07-MC-5015-JFA (D.S.C. Sept. 18, 2007).



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

July 28, 2011
Columbia, South Carolina

Plaintiff's attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).